



CASE C-314 DIV

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stuart E. Krieger  
Type or print name

*Stuart E. Krieger*  
Signature

*August 4 2004*  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Malcolm I. Falconer

APPLICATION NO: 10/780,240

FILED: February 17, 2004

FOR: IMPROVEMENTS RELATING TO OSTOMY POUCHES

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR A FILING DATE

Sir:

Applicant hereby respectfully petitions for the grant of the filing date of February 17, 2004, for the above-described application.

The patent application referred to in this Petition was received in the U.S. Patent Office on February 17, 2004, whereupon it received Application Number 10/780,240 ('240). This '240 application is a divisional of the parent application 09/370,305 filed on August 9, 1999. This divisional application '240 was submitted to the U.S. Patent Office during the pendency of the parent application which issued as U.S. Patent No. 6,709,421 B1 on March 23, 2004. However, if this divisional application is not granted the filing date of February 17, 2004, and receives a date later than March 23, 2004, the divisional application will be improper and rejected in view of the parent application.

Applicant received a Notice of Incomplete Non-Provisional Application which was mailed on June 15, 2004, copy enclosed. The Notice has a two month deadline date and a response is being filed herewith prior to the August 15, 2004, deadline. Enclosed herewith is a copy of the response.

Applicant's divisional application omitted, by oversight, the drawings necessary for the application, however, this application is a divisional containing no new subject matter and the

drawings were filed with the parent application. As a response to the Notice, a copy of the drawings from the original application were included together with a Substitute Declaration and Power of Attorney. The drawings are identical to those on file in the parent application. The failure to submit the drawings in the divisional application was an oversight and involved documents already on file in the U.S. Patent Office. The divisional application should have included another copy of the drawings that were already on file. No new matter or deception was involved. Basically a copy of the drawings already on file in the parent application was mistakenly omitted from the divisional application.

Accordingly, the filing date of the submission of the divisional application of February 17, 2004, is respectfully solicited.

Please charge Deposit Account No. 02-3869 the Petition Fee believed to be \$130.00 under 37 C.F.R. 1.17(h).

Respectfully submitted,

Bristol-Myers Squibb Company  
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Date: August 4, 2004

  
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